

Gervais, Pat (LEG)

From: Gustafson, Ingrid
Sent: Tuesday, February 08, 2011 7:34 AM
To: Gervais, Pat (LEG)
Subject: Family Evaluator Program 13th Judicial District Court

Please distribute to the Joint Appropriations Committee.

Greetings All:

On behalf of the 6 judges in the 13th Judicial District we would like to urge you not to reduce or eliminate the family evaluator program in this, or any other, judicial district:

The Family Evaluator Program serves a vital and important role in our Judicial District. Originally, this program was created as the domestic relations case load was steadily increasing and consuming an inordinate amount of judicial time. Rather than have extended hearings with both parties presenting negative and contentious allegations regarding each other and their parenting abilities, it was believed to be better for the children and the parties to have an independent professional person conduct an investigation into both parties' living arrangements and collateral contacts as well as into the particular circumstances of the children including their adjustment to school, their community and their parents' homes. The Family Evaluator Program has operated in this judicial district for 20+ years. Approximately 5 years ago, we undertook a thorough evaluation of the program to determine if it should be revised to make it more efficient as well as to assure it was being managed in the most fiscally responsible way. From our review we determined it was better to reduce the staff of the program and to contract out much of the work. To this end we reduced staff to 1.5 FTE eliminating approximately 2 staff. We have one professional family evaluator on staff who not only carries a full evaluator caseload but also manages the program assigning cases to contract evaluators. Our staff evaluator together with our court administrator has developed a working relationship with contract providers who, in large part because of this relationship, charge substantially less than the services typically garner. At the time we made these changes we had a significant backlog of cases. That backlog has now been eliminated. Additionally, with the initiation of a co-pay requirement from litigants the cost of our current program is somewhat exaggerated. The co-pay money collected for cases handled by our staff evaluator goes back into the general fund rather than being applied as an offset to the program's cost. Because of the Family Evaluator Program, in the most difficult, contested parenting cases we are able to obtain an independent parenting evaluation which makes recommendations as to the custody and visitation schedule (parenting plan) that serves the best interests of the children.

In turn, this saves considerable judicial time which would otherwise be necessary to hear these difficult and complex cases. Without this program the time demands for handling family law cases will substantially increase and leave less time for handling civil cases. We have seen a substantial increase in civil filings (well in all types of filings for that matter). Based on the recent judicial workload study our judicial district was short nearly 3 judges. We only obtained one additional judge leaving judicial time very scarce. As is frequently the case the impact of losing the Family Evaluator Program will be far reaching and felt in ways that are difficult to

measure. Because these cases involve some of the more contentious and complex parenting matters we expect the increased demand of judicial time will result in moving other matters (including civil and other non-critical matters) through our courts more slowly which is counter productive to adding a 6th judge to our district. This is not beneficial to our constituents or yours. Additionally, because of the make-up of population served, failures to thoroughly investigate the situation of the family will likely lead to increasing the problems related to the parties and their children. Our family evaluator program frequently identifies needs of the family which must be met for the family to have success. Without identifying these needs and getting the family plugged into addressing those needs, we would expect to see children of these cases becoming involved with the legal system through the youth court system or later within the social services systems. I believe through the work of our Family Evalauator program we have avoided children ultimately being placed in foster care as well as avoided criminal proceedings involving parents. Avoiding only one foster placement per year would more than pay for the total cost of the program. These costs will far exceed the minimal budget of our current program. Although we know State budgets are tight, reducing or eliminating the family evalautor programs will likely result in increased costs in another department of State government which far exceed the cost of the family evaluator programs.

We urge you to rethink the proposal for cutting this program.

Thank you for your time and I am available, as are any of the other judges in our district, available to address any questions you may have.

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